

## Maine Revised Statutes

### Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

#### Chapter 375: MAINE ADMINISTRATIVE PROCEDURE ACT

##### §11007. MANNER AND SCOPE OF REVIEW

**1. Schedule.** The court, upon request or its own motion, shall set a schedule for the filing of briefs by the parties and for oral argument.

[ 1977, c. 551, §3 (NEW) . ]

**2. Review by court.** Except where otherwise provided by statute or constitutional right, review shall be conducted by the court without a jury.

[ 1977, c. 551, §3 (NEW) . ]

**3. Judgment.** The court shall not substitute its judgment for that of the agency on questions of fact.

[ 1977, c. 551, §3 (NEW) . ]

**4. Decision.** The court may:

A. Affirm the decision of the agency; [1977, c. 551, §3 (NEW) . ]

B. Remand the case for further proceedings, findings of fact or conclusions of law or direct the agency to hold such proceedings or take such action as the court deems necessary; or [1977, c. 551, §3 (NEW) . ]

C. Reverse or modify the decision if the administrative findings, inferences, conclusions or decisions are:

(1) In violation of constitutional or statutory provisions;

(2) In excess of the statutory authority of the agency;

(3) Made upon unlawful procedure;

(4) Affected by bias or error of law;

(5) Unsupported by substantial evidence on the whole record; or

(6) Arbitrary or capricious or characterized by abuse of discretion. [1977, c. 551, §3 (NEW) . ]

[ 1977, c. 551, §3 (NEW) . ]

##### SECTION HISTORY

1977, c. 551, §3 (NEW) .

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